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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,597	12/05/2003	Ta-Yuan Lee	LEE0027-US	7505
7590	08/23/2005		EXAMINER HAN, JASON	
Michael D. Bednarek Shaw Pittman LLP 1650 Tysons Boulevard McLean, VA 22102			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,597	Applicant(s) LEE, TA-YUAN	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20050701</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to Claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 1, 5, 9, 13 are objected to because of the following informalities: In line 8 of the claim, "thereby" should read as "whereby". Appropriate correction is required.
3. Claim 13 is objected to because of the following informalities: Applicant recites in lines 11 and 13, "the input device", which lacks antecedent basis. Appropriate correction is required.

Double Patenting

4. Applicant is advised that should Claim 1 be found allowable, Claims 5, 9, and 13 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The following claims have been rejected in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 9, 13 and 4, 8, 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (U.S. Patent 6761462) in view of Johnson (U.S. Patent 6608614).

6. With regard to Claims 1, 5, 9, and 13, Yoshida discloses a lighting device including:

- A first light source emitting a first light of a first color [Figure 1: (51)];
- A second light source emitting a second light of a second color [Figure 1: (52)];
- A cap [Figure 1: (11, 12)] having a first portion [Figure 1: (31, 32)] and a second portion [Figure 1: (41, 42)], featuring in that the first portion allows most of the first light to pass and substantially blocks the second light, and the second portion allows most of the second light to pass and substantially blocks the first light [Figures 2-3];
- Wherein, when the device is in a first state, control is provided such that the first light source emits the first light to both the first portion and the second portion, the first portion displaying more brightness than the second portion; and as the input device is in a second state, control is provided such that the second light source emits the second light to both the first portion and the

second portion, the second portion displaying more brightness than the first portion [Figures 2-3; Abstract; Column 2, Line 57 – Column 3, Line 6].

Though Yoshida teaches a method and means for controlling and switching (selectively turning on/off) the light sources to emit different colored lighting [Abstract; Figure 2], Yoshida does not specifically teach a control module controlling the first light source and the second light source, whereby once the first light source emits the first light, the second light source is turned off, and once the second light source emits the second light, the first light source is turned off.

Johnson teaches such a control module/controller [Figure 3: (44)], whereby said controller connects a power supply [Figure 3: (42)] to a first and second array of LEDs [Figure 3: (16, 30)] such that the chromaticity of the arrays of LEDs may be varied or adjusted according to the supplied power via the controller.

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Yoshida to incorporate the control module/controller of Johnson to efficiently utilize the light sources and conserve energy when switching between said light sources of Yoshida, as well as provide a broader spectrum of colors according to the supplied power via the controller.

7. With regard to Claims 4, 8, 12, and 16, Yoshida in view of Johnson discloses the claimed invention as cited above. In addition, Yoshida teaches [Abstract] the first light source including a first light emitting diode corresponding to the first color [Figure 1: (51)], and the second light source including a second light emitting diode corresponding to the second color [Figure 1: (52)].

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8. Claims 2, 6, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (U.S. Patent 6761462) in view of Johnson (U.S. Patent 6608614) as applied to Claims 1, 5, 9, and 13, respectively above, and further in view of Stone (U.S. Patent 4012632).

Yoshida in view of Johnson discloses the claimed invention as cited above, but does not specifically teach the first portion including a first filter corresponding to the first color, and the second portion including a second filter corresponding to the second color.

Stone teaches an illumination input device including a first portion [Figure 2: (26)] including a first filter corresponding to a first color [Column 3, Lines 29-33], and a second portion [Figure 2: (28, 30)] including a second filter [Figure 2: (30)] correspond to a second color [Column 3, Lines 53-56].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the lighting device of Yoshida in view of Johnson to incorporate the color filters of Stone in order to provide a simple and inexpensive yet efficient means for altering the color of the illumination of said light sources of Yoshida.

9. Claims 3, 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida (U.S. Patent 6761462) in view of Johnson (U.S. Patent 6608614) as applied to Claims 1, 5, 9, and 13, respectively above, and further in view of Suzuki et al. (U.S. Patent 5949346).

Yoshida in view of Johnson discloses the claimed invention as cited above, but does not specifically teach the first portion including a first fluorescence corresponding

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to the first color, and the second portion including a second fluorescent corresponding to the second color.

Suzuki teaches, "In addition, the LED array may be composed of ultraviolet LEDs, while the engraved portions are coated with a paint that is colored by the ultraviolet rays, e.g., fluorescent paint [Column 42, Lines 15-18]."

It would have been obvious to one ordinarily skilled in the art at the time the invention was made to modify the lighting device of Yoshida in view of Johnson to incorporate the fluorescent material of Suzuki to the first and second portions in order to provide an aesthetic appeal and desired optical effect with respect to illumination, as well as to better distinguish between the two said portions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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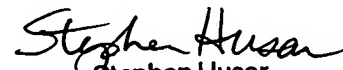
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (8/18/2005)


Stephen Husar
Primary Examiner